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1           301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on  
2   the basis of the per person per day cost estimate specified in par. (d) 2. ~~and, 3., and~~  
3   4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county  
4   departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising  
5   jurisdiction under chs. 48 and 938 for each person receiving services from the  
6   department of corrections under s. 48.366, 938.183, or 938.34 or the department of  
7   health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and  
8   (cm), in multicounty court jurisdictions, the county of residency within the  
9   jurisdiction shall be liable for costs under this subsection. Assessment of costs under  
10   par. (a) shall also be made according to the general placement type or level of care  
11   provided, as defined by the department, and prorated according to the ratio of the  
12   amount designated under sub. (3) (c) to the total applicable estimated costs of care,  
13   services, and supplies provided by the department of corrections under ss. 48.366,  
14   938.183, and 938.34 and the department of health services under s. 46.057 or 51.35  
15   (3).

16           **SECTION 3001.** 301.26 (4) (cm) 3. of the statutes is amended to read:

17           301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile  
18   correctional services under this paragraph shall be equal to the per person daily cost  
19   assessment to counties under par. (d) 2. ~~and, 3., and 4.~~ for juvenile correctional  
20   services.

21           **SECTION 3002.** 301.26 (4) (ct) of the statutes is created to read:

22           301.26 (4) (ct) 1. Subject to subd. 2. and notwithstanding ss. 16.50 (2), 16.52,  
23   20.002 (11), and 20.903, if there is a deficit in the appropriation account under s.  
24   20.410 (3) (hm) at the close of a fiscal year, any unencumbered balance in the  
25   appropriation account under s. 20.410 (3) (ho) at the close of that fiscal year, less the

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1 amounts required by s. 20.410 (3) (ho) to be remitted to counties or transferred to the  
2 appropriation account under s. 20.410 (3) (kx), and any unencumbered balance in the  
3 appropriation account under s. 20.410 (3) (hr) at the close of that fiscal year, shall be  
4 transferred to the appropriation account under s. 20.410 (3) (hm), up to the amount  
5 that when added to other amounts credited to that appropriation account in that  
6 fiscal year equals the amount shown in the schedule under s. 20.005 (3) for that  
7 appropriation account for that fiscal year.

8 2. The total amount transferred at the end of a fiscal year under subd. 1. may  
9 not exceed the amount of the deficit in the appropriation account under s. 20.410 (3)  
10 (hm) for that fiscal year, and if that deficit is less than the total amount of the  
11 unencumbered balances available for transfer under subd. 1., the amount  
12 transferred from the appropriation accounts under s. 20.410 (3) (ho) and (hr) shall  
13 be in proportion to the respective unencumbered balance available for transfer from  
14 each of those appropriation accounts.

15 **SECTION 3003.** 301.26 (4) (d) 2. of the statutes is amended to read:

16 301.26 (4) (d) 2. Beginning on ~~January~~ July 1, ~~2010~~ 2011, and ending on June  
17 30, ~~2010~~ 2012, the per person daily cost assessment to counties shall be ~~\$270~~ \$284  
18 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~  
19 \$284 for care for juveniles transferred from a juvenile correctional institution under  
20 s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for~~  
21 ~~care in a group home for children, \$72 for care in a foster home, \$124 for care in a~~  
22 ~~treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101~~ \$99 for  
23 departmental corrective sanctions services, and \$40 for departmental aftercare  
24 services.

25 **SECTION 3004.** 301.26 (4) (d) 3. of the statutes is amended to read:

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1           301.26 (4) (d) 3. Beginning on July 1, ~~2010~~ 2012, and ending on June 30, ~~2011~~  
2       2013, the per person daily cost assessment to counties shall be ~~\$275~~ \$289 for care in  
3       a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$289 for care  
4       for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),  
5       ~~\$313 for care in a residential care center for children and youth, \$200 for care in a~~  
6       ~~group home for children, \$75 for care in a foster home, \$130 for care in a treatment~~  
7       ~~foster home under rules promulgated under s. 48.62 (8) (c), \$103~~ \$100 for  
8       departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare  
9       services.

10           **SECTION 3005.** 301.26 (4) (d) 4. of the statutes is created to read:

11           301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a  
12       foster home, group home, or residential care center for children and youth shall be  
13       an amount equal to the amount the provider charges the department for that care  
14       as authorized by the department of children and families.

15           **SECTION 3006.** 301.26 (6) (a) of the statutes is amended to read:

16           301.26 (6) (a) The intent of this subsection is to develop criteria to assist the  
17       legislature in allocating funding, excluding funding for base allocations, from the  
18       appropriations under s. 20.410 (3) (cd), ~~(ke)~~, and ~~(e)~~ and (ko) for purposes described  
19       in this section.

20           **SECTION 3007.** 301.26 (7) (intro.) of the statutes is amended to read:

21           301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability  
22       ~~of federal funds and of the appropriations under s. 20.410 (3) (cd), (ke), and (e) and~~  
23       ~~(ko)~~, the department shall allocate funds for community youth and family aids for the  
24       period beginning on July 1, ~~2009~~ 2011, and ending on June 30, ~~2011~~ 2013, as

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1 provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23  
2 as follows:

3 **SECTION 3008.** 301.26 (7) (a) of the statutes is amended to read:

4 301.26 (7) (a) For community youth and family aids under this section,  
5 amounts not to exceed ~~\$50,395,100~~ \$45,478,000 for the last 6 months of ~~2009~~ 2011,  
6 ~~\$100,790,200~~ \$90,956,100 for ~~2010~~ 2012, and ~~\$50,395,100~~ \$45,478,100 for the first  
7 6 months of ~~2011~~ 2013.

8 **SECTION 3009.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

9 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall  
10 allocate \$2,000,000 for the last 6 months of ~~2009~~ 2011, \$4,000,000 for ~~2010~~ 2012, and  
11 \$2,000,000 for the first 6 months of ~~2011~~ 2013 to counties based on each of the  
12 following factors weighted equally:

13 **SECTION 3010.** 301.26 (7) (bm) of the statutes is amended to read:

14 301.26 (7) (bm) Of the amounts specified in par. (a), the department shall  
15 allocate \$6,250,000 for the last 6 months of ~~2009~~ 2011, \$12,500,000 for ~~2010~~ 2012,  
16 and \$6,250,000 for the first 6 months of ~~2011~~ 2013 to counties based on each county's  
17 proportion of the number of juveniles statewide who are placed in a juvenile  
18 correctional facility during the most recent 3-year period for which that information  
19 is available.

20 **SECTION 3011.** 301.26 (7) (c) of the statutes is amended to read:

21 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate  
22 \$1,053,200 for the last 6 months of ~~2009~~ 2011, \$2,106,500 for ~~2010~~ 2012, and  
23 \$1,053,300 for the first 6 months of ~~2011~~ 2013 to counties based on each of the factors  
24 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an  
25 allocation under this paragraph that is less than 93% nor more than 115% of the

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1 amount that the county would have received under this paragraph if the allocation  
2 had been distributed only on the basis of the factor specified in par. (b) 3.

3 **SECTION 3012.** 301.26 (7) (e) of the statutes is amended to read:

4 301.26 (7) (e) For emergencies related to community youth and family aids  
5 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2009~~ 2011,  
6 \$250,000 for ~~2010~~ 2012, and \$125,000 for the first 6 months of ~~2011~~ 2013. A county  
7 is eligible for payments under this paragraph only if it has a population of not more  
8 than 45,000.

9 **SECTION 3013.** 301.26 (7) (h) of the statutes is amended to read:

10 301.26 (7) (h) For counties that are participating in the corrective sanctions  
11 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2009~~ 2011,  
12 \$2,124,800 in ~~2010~~ 2012, and \$1,062,400 in the first 6 months of ~~2011~~ 2013 for the  
13 provision of corrective sanctions services for juveniles from that county. In  
14 distributing funds to counties under this paragraph, the department shall determine  
15 a county's distribution by dividing the amount allocated under this paragraph by the  
16 number of slots authorized for the program under s. 938.533 (2) and multiplying the  
17 quotient by the number of slots allocated to that county by agreement between the  
18 department and the county. The department may transfer funds among counties as  
19 necessary to distribute funds based on the number of slots allocated to each county.

20 **SECTION 3014.** 301.26 (8) of the statutes is amended to read:

21 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the  
22 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last  
23 6 months of ~~2009~~ 2011, \$1,333,400 in ~~2010~~ 2012, and \$666,700 in the first 6 months  
24 of ~~2011~~ 2013 for alcohol and other drug abuse treatment programs.

25 **SECTION 3015.** 302.042 of the statutes is repealed.

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1           **SECTION 3016.** 302.043 of the statutes is created to read:

2           **302.043 Release to extended supervision; risk reduction program.** The  
3 department shall release an inmate who is serving a risk reduction sentence imposed  
4 under s. 973.031, 2009 stats., to extended supervision when he or she serves not less  
5 than 75 percent of the term of confinement portion of his or her sentence imposed  
6 under s. 973.01 and the department determines that he or she has completed the  
7 programming or treatment under the plan designed by the department for the  
8 inmate and that the inmate maintained a good conduct record during his or her term  
9 of confinement. Not less than 30 days prior to release under this section, the  
10 department shall notify the sentencing court that the inmate has thus far  
11 successfully completed the requirements of his or her risk reduction sentence.

12           **SECTION 3017.** 302.045 (1) of the statutes is amended to read:

13           **302.045 (1) PROGRAM.** The department shall provide a challenge incarceration  
14 program for inmates selected to participate under sub. (2). The program shall  
15 provide participants with manual labor, personal development counseling,  
16 substance abuse treatment and education, military drill and ceremony, counseling,  
17 and strenuous physical exercise, for participants who have not attained the age of  
18 30 as of the date on which they begin participating in the program, or  
19 age-appropriate strenuous physical exercise, for all other participants, in  
20 preparation for release on parole or extended supervision. ~~The program shall~~  
21 ~~provide, according to each participant's needs as assessed under sub. (2) (d),~~  
22 ~~substance abuse treatment and education, including intensive intervention when~~  
23 ~~indicated, personal development counseling, education, employment readiness~~  
24 ~~training, and other treatment options that are directly related to the participant's~~  
25 ~~criminal behavior.~~ The department shall design the program to include not less

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1 fewer than 50 participants at a time and so that a participant may complete the  
2 program in not more than 180 days. The department may restrict participant  
3 privileges as necessary to maintain discipline.

4 **SECTION 3018.** 302.045 (2) (d) of the statutes is repealed and recreated to read:

5 302.045 (2) (d) The department determines, during assessment and  
6 evaluation, that the inmate has a substance abuse problem.

7 **SECTION 3019.** 302.045 (3) of the statutes is amended to read:

8 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department  
9 determines that an inmate serving a sentence other than one imposed under s.  
10 973.01 has successfully completed the challenge incarceration program, the ~~earned~~  
11 ~~release review~~ parole commission shall parole the inmate for that sentence under s.  
12 304.06, regardless of the time the inmate has served. When the ~~earned release~~  
13 ~~review parole~~ commission grants parole under this subsection, it must require the  
14 parolee to participate in an intensive supervision program ~~appropriate to the~~  
15 ~~parolee's rehabilitation needs for drug abusers~~ as a condition of parole.

16 **SECTION 3020.** 302.045 (3m) (d) of the statutes is repealed.

17 **SECTION 3021.** 302.05 (title) of the statutes is amended to read:

18 **302.05 (title) Wisconsin ~~earned release~~ substance abuse program.**

19 **SECTION 3022.** 302.05 (1) of the statutes is renumbered 302.05 (1) (am) (intro.)  
20 and amended to read:

21 302.05 (1) (am) (intro.) The department of corrections ~~shall, at any correctional~~  
22 ~~facility the department determines is appropriate, provide a rehabilitation program~~  
23 ~~for inmates for the purposes of the earned release program described in sub. (3). and~~  
24 the department of health services may designate a section of a mental health  
25 institute as a correctional treatment facility for the treatment of substance abuse of

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1 inmates transferred from Wisconsin state prisons. This section shall be  
2 administered by the department of corrections and shall be known as the Wisconsin  
3 substance abuse program. The department of corrections and the department of  
4 health services shall ensure that the residents at the institution and the residents  
5 in the substance abuse program:

6 **SECTION 3023.** 302.05 (1) (am) 1. of the statutes is created to read:

7 302.05 (1) (am) 1. Have access to all facilities that are available at the  
8 institution and are necessary for the treatment programs designed by the  
9 departments.

10 **SECTION 3024.** 302.05 (1) (am) 2. of the statutes is created to read:

11 302.05 (1) (am) 2. Are housed on separate wards.

12 **SECTION 3025.** 302.05 (1) (b) of the statutes is created to read:

13 302.05 (1) (b) The department of corrections and the department of health  
14 services shall, at any correctional facility the departments determine is appropriate,  
15 provide a substance abuse treatment program for inmates for the purposes of the  
16 earned release program described in sub. (3).

17 **SECTION 3026.** 302.05 (2) of the statutes is amended to read:

18 302.05 (2) Transfer to a correctional treatment facility for ~~participation in a~~  
19 ~~program described in sub. (1)~~ the treatment of substance abuse shall be considered  
20 a transfer under s. 302.18.

21 **SECTION 3027.** 302.05 (3) (b) of the statutes is amended to read:

22 302.05 (3) (b) Except as provided in par. (d), if the department determines that  
23 an eligible inmate serving a sentence other than one imposed under s. 973.01 has  
24 successfully completed a ~~rehabilitation~~ treatment program described in sub. (1), the  
25 ~~earned release review~~ parole commission shall parole the inmate for that sentence

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1 under s. 304.06, regardless of the time the inmate has served. If the ~~earned release~~  
2 ~~review parole~~ commission grants parole under this paragraph, it shall require the  
3 parolee to participate in an intensive supervision program ~~appropriate to the~~  
4 ~~parolee's rehabilitation needs for drug abusers~~ as a condition of parole.

5 **SECTION 3028.** 302.05 (3) (c) 1. of the statutes is amended to read:

6 302.05 (3) (c) 1. Except as provided in par. (d), if the department determines  
7 that an eligible inmate serving the term of confinement in prison portion of a  
8 bifurcated sentence imposed under s. 973.01 has successfully completed a  
9 ~~rehabilitation~~ treatment program described in sub. (1), the department shall inform  
10 the court that sentenced the inmate.

11 **SECTION 3029.** 302.05 (3) (c) 2. (intro.) of the statutes, is amended to read:

12 302.05 (3) (c) 2. (intro.) Upon being informed by the department under subd.  
13 1. that an inmate whom the court sentenced under s. 973.01 has successfully  
14 completed a ~~rehabilitation~~ treatment program described in sub. (1), the court shall  
15 modify the inmate's bifurcated sentence as follows:

16 **SECTION 3030.** 302.05 (3) (c) 3. of the statutes is repealed.

17 **SECTION 3031.** 302.05 (3) (d) of the statutes is amended to read:

18 302.05 (3) (d) The department may place intensive sanctions program  
19 participants in a ~~rehabilitation~~ treatment program described in sub. (1), but pars. (b)  
20 and (c) do not apply to those participants.

21 **SECTION 3032.** 302.11 (1g) (b) (intro.) of the statutes is amended to read:

22 302.11 (1g) (b) (intro.) Before an incarcerated inmate with a presumptive  
23 mandatory release date reaches the presumptive mandatory release date specified  
24 under par. (am), the ~~earned release review parole~~ commission shall proceed under  
25 s. 304.06 (1) to consider whether to deny presumptive mandatory release to the

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1 inmate. If the ~~earned release review~~ parole commission does not deny presumptive  
2 mandatory release, the inmate shall be released on parole. The ~~earned release~~  
3 ~~review~~ parole commission may deny presumptive mandatory release to an inmate  
4 only on one or more of the following grounds:

5 **SECTION 3033.** 302.11 (1g) (b) 2. of the statutes is amended to read:

6 302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or  
7 treatment that the social service and clinical staff of the institution determines is  
8 necessary for the inmate, including pharmacological treatment using an  
9 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious  
10 child sex offender as defined in s. 304.06 (1q) (a). The ~~earned release review~~ parole  
11 commission may not deny presumptive mandatory release to an inmate because of  
12 the inmate's refusal to participate in a rehabilitation program under s. 301.047.

13 **SECTION 3034.** 302.11 (1g) (c) of the statutes is amended to read:

14 302.11 **(1g)** (c) If the ~~earned release review~~ parole commission denies  
15 presumptive mandatory release to an inmate under par. (b), the ~~earned release~~  
16 ~~review~~ parole commission shall schedule regular reviews of the inmate's case to  
17 consider whether to parole the inmate under s. 304.06 (1).

18 **SECTION 3035.** 302.11 (1g) (d) of the statutes is amended to read:

19 302.11 **(1g)** (d) An inmate may seek review of a decision by the ~~earned release~~  
20 ~~review~~ parole commission relating to the denial of presumptive mandatory release  
21 only by the common law writ of certiorari.

22 **SECTION 3036.** 302.11 (1m) of the statutes is amended to read:

23 302.11 **(1m)** An inmate serving a life term is not entitled to mandatory release.  
24 Except as provided in ss. 939.62 (2m) (c) and 973.014, the ~~earned release review~~  
25 parole commission may parole the inmate as specified in s. 304.06 (1).

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1           **SECTION 3037.** 302.11 (7) (c) of the statutes is amended to read:

2           302.11 (7) (c) The ~~earned release review~~ parole commission may subsequently  
3 parole, under s. 304.06 (1), and the department may subsequently parole, under s.  
4 304.02, a parolee who is returned to prison for violation of a condition of parole.

5           **SECTION 3038.** 302.113 (1) of the statutes is amended to read:

6           302.113 (1) An inmate is subject to this section if he or she is serving a  
7 bifurcated sentence imposed under s. 973.01. ~~An inmate convicted of a misdemeanor~~  
8 ~~or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048~~  
9 ~~(2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b)~~  
10 ~~pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2)~~  
11 ~~(b) or (9h). An inmate convicted of a Class C to Class E felony or a Class F to Class~~  
12 ~~I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class F to~~  
13 ~~Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm) 1., but~~  
14 ~~who is ineligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01~~  
15 ~~(3d) (b) may be released to extended supervision only under sub. (2) (a) or (9h) or s.~~  
16 ~~304.06.~~

17           **SECTION 3039.** 302.113 (2) (a) of the statutes is renumbered 302.113 (2) and  
18 amended to read:

19           302.113 (2) Except as provided in ~~par. (b) and subs. (3) and (9) and s. 304.06,~~  
20 an inmate subject to this section is entitled to release to extended supervision after  
21 he or she has served the term of confinement in prison portion of the sentence  
22 imposed under s. 973.01, ~~as modified by the department under sub. (9h), as modified~~  
23 ~~under s. 302.1135 by the earned release review commission in the manner specified~~  
24 ~~in s. 302.1135 (6) (a), or as modified by the sentencing court under sub. (9g) or s.~~  
25 ~~302.045 (3m) (b) 1., 302.05 (3) (c) 2. a., or 973.195 (1r), or 973.198, if applicable.~~

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1           **SECTION 3040.** 302.113 (2) (b) of the statutes is repealed.

2           **SECTION 3041.** 302.113 (2) (c) of the statutes is repealed.

3           **SECTION 3042.** 302.113 (3) (d) of the statutes is amended to read:

4           302.113 (3) (d) If the term of confinement in prison portion of a bifurcated  
5 sentence ~~for a Class B felony~~ is increased under this subsection, the term of extended  
6 supervision is reduced so that the total length of the bifurcated sentence does not  
7 change.

8           **SECTION 3043.** 302.113 (3) (e) of the statutes is repealed.

9           **SECTION 3044.** 302.113 (7) of the statutes is amended to read:

10          302.113 (7) Any inmate released to extended supervision under this section is  
11 subject to all conditions and rules of extended supervision until the expiration of the  
12 term of extended supervision portion of the bifurcated sentence ~~or until the~~  
13 ~~department discharges the inmate under s. 973.01 (4m), whichever is appropriate.~~  
14 The department may set conditions of extended supervision in addition to any  
15 conditions of extended supervision required under s. 302.116, if applicable, or set by  
16 the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do  
17 not conflict with the court's conditions.

18          **SECTION 3045.** 302.113 (9) (am) of the statutes is amended to read:

19          302.113 (9) (am) If a person released to extended supervision under this section  
20 ~~or under s. 302.1135~~ violates a condition of extended supervision, the reviewing  
21 authority may revoke the extended supervision of the person. If the extended  
22 supervision of the person is revoked, the reviewing authority shall order the person  
23 to be returned to prison for any specified period of time that does not exceed the time  
24 remaining on the bifurcated sentence. The time remaining on the bifurcated  
25 sentence is the total length of the bifurcated sentence, less time served by the person

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1 in confinement under the sentence before release to extended supervision under sub.  
2 (2) and less all time served in confinement for previous revocations of extended  
3 supervision under the sentence. The order returning a person to prison under this  
4 paragraph shall provide the person whose extended supervision was revoked with  
5 credit in accordance with ss. 304.072 and 973.155.

6 **SECTION 3046.** 302.113 (9) (c) of the statutes is amended to read:

7 302.113 (9) (c) A person who is subsequently released to extended supervision  
8 after service of the period of time specified by the order under par. (am) is subject to  
9 all conditions and rules under sub. (7) and, if applicable, sub. (7m) until the  
10 expiration of the remaining extended supervision portion of the bifurcated sentence  
11 ~~or until the department discharges the person under s. 973.01 (4m), whichever is~~  
12 ~~appropriate.~~ The remaining extended supervision portion of the bifurcated sentence  
13 is the total length of the bifurcated sentence, less the time served by the person in  
14 confinement under the bifurcated sentence before release to extended supervision  
15 under sub. (2) and less all time served in confinement for previous revocations of  
16 extended supervision under the bifurcated sentence.

17 **SECTION 3047.** 302.113 (9g) of the statutes is created to read:

18 302.113 (9g) (a) In this subsection:

19 1. "Extraordinary health condition" means a condition afflicting a person, such  
20 as advanced age, infirmity, or disability of the person or a need for medical treatment  
21 or services not available within a correctional institution.

22 2. "Program review committee" means the committee at a correctional  
23 institution that reviews the security classifications, institution assignments, and  
24 correctional programming assignments of inmates confined in the institution.

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1 (b) An inmate who is serving a bifurcated sentence for a crime other than a  
2 Class B felony may seek modification of the bifurcated sentence in the manner  
3 specified in par. (f) if he or she meets one of the following criteria:

4 1. The inmate is 65 years of age or older and has served at least 5 years of the  
5 term of confinement in prison portion of the bifurcated sentence.

6 2. The inmate is 60 years of age or older and has served at least 10 years of the  
7 term of confinement in prison portion of the bifurcated sentence.

8 3. The inmate has an extraordinary health condition.

9 (c) An inmate who meets a criterion under par. (b) may submit a petition to the  
10 program review committee at the correctional institution in which the inmate is  
11 confined requesting a modification of the inmate's bifurcated sentence in the manner  
12 specified in par. (f). If the inmate alleges in the petition that he or she has an  
13 extraordinary health condition, the inmate shall attach to the petition affidavits  
14 from 2 physicians setting forth a diagnosis that the inmate has an extraordinary  
15 health condition.

16 (cm) If, after receiving the petition under par. (c), the program review  
17 committee determines that the public interest would be served by a modification of  
18 the inmate's bifurcated sentence in the manner provided under par. (f), the  
19 committee shall approve the petition for referral to the sentencing court and notify  
20 the department of its approval. The department shall then refer the inmate's  
21 petition to the sentencing court and request the court to conduct a hearing on the  
22 petition. If the program review committee determines that the public interest would  
23 not be served by a modification of the inmate's bifurcated sentence in the manner  
24 specified in par. (f), the committee shall deny the inmate's petition.

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1 (d) When a court is notified by the department that it is referring to the court  
2 an inmate's petition for modification of the inmate's bifurcated sentence, the court  
3 shall schedule a hearing to determine whether the public interest would be served  
4 by a modification of the inmate's bifurcated sentence in the manner specified in par.

5 (f). The inmate and the district attorney have the right to be present at the hearing,  
6 and any victim of the inmate's crime has the right to be present at the hearing and  
7 to provide a statement concerning the modification of the inmate's bifurcated  
8 sentence. The court shall order such notice of the hearing date as it considers  
9 adequate to be given to the department, the inmate, the attorney representing the  
10 inmate, if applicable, and the district attorney. Victim notification shall be provided  
11 as specified under par. (g).

12 (e) At a hearing scheduled under par. (d), the inmate has the burden of proving  
13 by the greater weight of the credible evidence that a modification of the bifurcated  
14 sentence in the manner specified in par. (f) would serve the public interest. If the  
15 inmate proves that a modification of the bifurcated sentence in the manner specified  
16 in par. (f) would serve the public interest, the court shall modify the inmate's  
17 bifurcated sentence in that manner. If the inmate does not prove that a modification  
18 of the bifurcated sentence in the manner specified in par. (f) would serve the public  
19 interest, the court shall deny the inmate's petition for modification of the bifurcated  
20 sentence.

21 (f) A court may modify an inmate's bifurcated sentence under this section only  
22 as follows:

23 1. The court shall reduce the term of confinement in prison portion of the  
24 inmate's bifurcated sentence in a manner that provides for the release of the inmate

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1 to extended supervision within 30 days after the date on which the court issues its  
2 order modifying the bifurcated sentence.

3 2. The court shall lengthen the term of extended supervision imposed so that  
4 the total length of the bifurcated sentence originally imposed does not change.

5 (g) 1. In this paragraph, "victim" has the meaning given in s. 950.02 (4).

6 2. When a court schedules a hearing under par. (d), the clerk of the circuit court  
7 shall send a notice of hearing to the victim of the crime committed by the inmate, if  
8 the victim has submitted a card under subd. 3. requesting notification. The notice  
9 shall inform the victim that he or she may appear at the hearing scheduled under  
10 par. (d) and shall inform the victim of the manner in which he or she may provide a  
11 statement concerning the modification of the inmate's bifurcated sentence in the  
12 manner provided in par. (f). The clerk of the circuit court shall make a reasonable  
13 attempt to send the notice of hearing to the last-known address of the inmate's  
14 victim, postmarked at least 10 days before the date of the hearing.

15 3. The director of state courts shall design and prepare cards for a victim to send  
16 to the clerk of the circuit court for the county in which the inmate was convicted and  
17 sentenced. The cards shall have space for a victim to provide his or her name and  
18 address, the name of the applicable inmate, and any other information that the  
19 director of state courts determines is necessary. The director of state courts shall  
20 provide the cards, without charge, to clerks of circuit court. Clerks of circuit court  
21 shall provide the cards, without charge, to victims. Victims may send completed  
22 cards to the clerk of the circuit court for the county in which the inmate was convicted  
23 and sentenced. All court records or portions of records that relate to mailing  
24 addresses of victims are not subject to inspection or copying under s. 19.35 (1).

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1 (h) An inmate may appeal a court's decision to deny the inmate's petition for  
2 modification of his or her bifurcated sentence. The state may appeal a court's  
3 decision to grant an inmate's petition for a modification of the inmate's bifurcated  
4 sentence. In an appeal under this paragraph, the appellate court may reverse a  
5 decision granting or denying a petition for modification of a bifurcated sentence only  
6 if it determines that the sentencing court erroneously exercised its discretion in  
7 granting or denying the petition.

8 (i) If the program review committee denies an inmate's petition under par. (cm),  
9 the inmate may not file another petition within one year after the date of the program  
10 review committee's denial. If the program review committee approves an inmate's  
11 petition for referral to the sentencing court under par. (cm) but the sentencing court  
12 denies the petition, the inmate may not file another petition under par. (cm) within  
13 one year after the date of the court's decision.

14 (j) An inmate eligible to seek modification of his or her bifurcated sentence  
15 under this subsection has a right to be represented by counsel in proceedings under  
16 this subsection. An inmate, or the department on the inmate's behalf, may apply to  
17 the state public defender for determination of indigency and appointment of counsel  
18 under s. 977.05 (4) (jm) before or after the filing of a petition with the program review  
19 committee under par. (c). If an inmate whose petition has been referred to the court  
20 under par. (cm) is without counsel, the court shall refer the matter to the state public  
21 defender for determination of indigency and appointment of counsel under s. 977.05  
22 (4) (jm).

23 **SECTION 3048.** 302.113 (9h) of the statutes is repealed.

24 **SECTION 3049.** 302.1135 of the statutes is repealed.

25 **SECTION 3050.** 302.114 (9) (am) of the statutes is amended to read:

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1           302.114 (9) (am) If a person released to extended supervision under this section  
2 ~~or under s. 302.1135~~ violates a condition of extended supervision, the reviewing  
3 authority may revoke the extended supervision of the person. If the extended  
4 supervision of the person is revoked, the person shall be returned to the circuit court  
5 for the county in which the person was convicted of the offense for which he or she  
6 was on extended supervision, and the court shall order the person to be returned to  
7 prison for a specified period of time before he or she is eligible for being released again  
8 to extended supervision. The period of time specified under this paragraph may not  
9 be less than 5 years and may be extended in accordance with sub. (3).

10           **SECTION 3051.** 302.114 (9) (c) of the statutes is amended to read:

11           302.114 (9) (c) A person who is subsequently released to extended supervision  
12 under par. (bm) is subject to all conditions and rules under sub. (8) until the  
13 expiration of the sentence ~~or until the department discharges the person under s.~~  
14 ~~973.01 (4m), whichever is appropriate.~~

15           **SECTION 3052.** 304.01 (title) of the statutes is amended to read:

16           **304.01   (title)   ~~Earned release review~~ Parole commission and**  
17 **commission chairperson; general duties.**

18           **SECTION 3053.** 304.01 (1) of the statutes is amended to read:

19           304.01 (1) The chairperson of the ~~earned release review~~ parole commission  
20 shall administer and supervise the commission and its activities and shall be the  
21 final parole-granting authority ~~for granting parole or release to extended~~  
22 ~~supervision~~, except as provided in s. 304.02..

23           **SECTION 3054.** 304.01 (2) (intro.) of the statutes is amended to read:

24           304.01 (2) (intro.) The ~~earned release review~~ parole commission shall conduct  
25 regularly scheduled interviews to consider the parole ~~or release to extended~~

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1 supervision of eligible inmates of the adult correctional institutions under the  
2 control of the department of corrections, eligible inmates transferred under ch. 51  
3 and under the control of the department of health services and eligible inmates in  
4 any county house of correction. The department of corrections shall provide all of the  
5 following to the ~~earned release review~~ parole commission:

6 **SECTION 3055.** 304.01 (2) (b) of the statutes is amended to read:

7 304.01 (2) (b) Scheduling assistance for parole interviews ~~for prisoners who~~  
8 ~~have applied for parole or release to extended supervision~~ at the correctional  
9 institutions.

10 **SECTION 3056.** 304.01 (2) (c) of the statutes is amended to read:

11 304.01 (2) (c) Clerical support related to the parole interviews ~~for prisoners who~~  
12 ~~have applied for parole or release to extended supervision~~.

13 **SECTION 3057.** 304.01 (2) (d) of the statutes is amended to read:

14 304.01 (2) (d) Appropriate physical space at the correctional institutions to  
15 conduct the parole interviews ~~for prisoners who have applied for parole or release to~~  
16 ~~extended supervision~~.

17 **SECTION 3058.** 304.06 (title) of the statutes is amended to read:

18 **304.06 (title) Release to parole or extended supervision Paroles from**  
19 **state prisons and house of correction.**

20 **SECTION 3059.** 304.06 (1) (b) of the statutes is amended to read:

21 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.  
22 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the ~~earned release review~~ parole  
23 commission may parole an inmate of the Wisconsin state prisons or any felon or any  
24 person serving at least one year or more in a county house of correction or a county  
25 reforestation camp organized under s. 303.07, when he or she has served 25% of the

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1 sentence imposed for the offense, or 6 months, whichever is greater. Except as  
2 provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the ~~earned release~~  
3 ~~review~~ parole commission may parole an inmate serving a life term when he or she  
4 has served 20 years, as modified by the formula under s. 302.11 (1) and subject to  
5 extension under s. 302.11 (1q) and (2), if applicable. The person serving the life term  
6 shall be given credit for time served prior to sentencing under s. 973.155, including  
7 good time under s. 973.155 (4). The secretary may grant special action parole  
8 releases under s. 304.02. The department or the ~~earned release review~~ parole  
9 commission shall not provide any convicted offender or other person sentenced to the  
10 department's custody any parole eligibility or evaluation ~~for parole or release to~~  
11 ~~extended supervision~~ until the person has been confined at least 60 days following  
12 sentencing.

13 **SECTION 3060.** 304.06 (1) (bg) of the statutes is repealed.

14 **SECTION 3061.** 304.06 (1) (bk) of the statutes is repealed.

15 **SECTION 3062.** 304.06 (1) (bn) of the statutes is repealed.

16 **SECTION 3063.** 304.06 (1) (br) of the statutes is repealed.

17 **SECTION 3064.** 304.06 (1) (c) (intro.) of the statutes is amended to read: .

18 304.06 (1) (c) (intro.) If an inmate applies for parole ~~or release to extended~~  
19 ~~supervision~~ under this subsection, the ~~earned release review~~ parole commission  
20 shall make a reasonable attempt to notify the following, if they can be found, in  
21 accordance with par. (d):

22 **SECTION 3065.** 304.06 (1) (d) 1. of the statutes is amended to read:

23 304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons  
24 under par. (c) 1. to 3. of the manner in which they may provide written statements  
25 under this subsection, shall inform persons under par. (c) 3. of the manner in which

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1 they may attend interviews or hearings and make statements under par. (eg) and  
2 shall inform persons under par. (c) 3. who are victims, or family members of victims,  
3 of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1), (2), or (3), 948.02 (1) or  
4 (2), 948.025, 948.06, or 948.07 of the manner in which they may have direct input in  
5 the parole decision-making process under par. (em) ~~for parole or release to extended~~  
6 ~~supervision~~. The ~~earned release review~~ parole commission shall provide notice  
7 under this paragraph for an inmate's first application for parole ~~or release to~~  
8 ~~extended supervision~~ and, upon request, for subsequent applications for parole ~~or~~  
9 ~~release to extended supervision~~.

10 **SECTION 3066.** 304.06 (1) (d) 2. of the statutes is amended to read:

11 304.06 (1) (d) 2. The notice shall be by 1st class mail to an office's or a person's  
12 last-known address sent at least 3 weeks before the interview or hearing upon the  
13 application for parole ~~or release to extended supervision~~.

14 **SECTION 3067.** 304.06 (1) (d) 3m. of the statutes is amended to read:

15 304.06 (1) (d) 3m. If applicable, the notice shall state the manner in which the  
16 person may have direct input in the decision-making process for parole ~~or release~~  
17 ~~to extended supervision~~.

18 **SECTION 3068.** 304.06 (1) (d) 4. of the statutes is amended to read:

19 304.06 (1) (d) 4. If the notice is for a first application for parole ~~or release to~~  
20 ~~extended supervision~~, the notice shall inform the offices and persons under par. (c)  
21 1. to 3. that notification of subsequent applications for parole ~~or release to extended~~  
22 ~~supervision~~ will be provided only upon request.

23 **SECTION 3069.** 304.06 (1) (e) of the statutes is amended to read:

24 304.06 (1) (e) The ~~earned release review~~ parole commission shall permit any  
25 office or person under par. (c) 1. to 3. to provide written statements. The ~~earned~~

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1 ~~release review~~ parole commission shall give consideration to any written statements  
2 provided by any such office or person and received on or before the date specified in  
3 the notice. This paragraph does not limit the authority of the ~~earned release review~~  
4 parole commission to consider other statements or information that it receives in a  
5 timely fashion.

6 **SECTION 3070.** 304.06 (1) (eg) of the statutes is amended to read:

7 304.06 (1) (eg) The ~~earned release review~~ parole commission shall permit any  
8 person under par. (c) 3. to attend any interview or hearing on the application for  
9 parole ~~or release to extended supervision~~ of an applicable inmate and to make a  
10 statement at that interview or hearing.

11 **SECTION 3071.** 304.06 (1) (em) of the statutes is amended to read:

12 304.06 (1) (em) The ~~earned release review~~ parole commission shall promulgate  
13 rules that provide a procedure to allow any person who is a victim, or a family  
14 member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1), (2),  
15 or (3), 948.02 (1) or (2), 948.025, 948.06, or 948.07 to have direct input in the  
16 decision-making process for parole ~~or release to extended supervision~~.

17 **SECTION 3072.** 304.06 (1) (f) of the statutes is amended to read:

18 304.06 (1) (f) The ~~earned release review~~ parole commission shall design and  
19 prepare cards for persons specified in par. (c) 3. to send to the commission. The cards  
20 shall have space for these persons to provide their names and addresses, the name  
21 of the applicable prisoner and any other information the ~~earned release review~~  
22 parole commission determines is necessary. The ~~earned release review~~ parole  
23 commission shall provide the cards, without charge, to district attorneys. District  
24 attorneys shall provide the cards, without charge, to persons specified in par. (c) 3.  
25 These persons may send completed cards to the ~~earned release review~~ parole

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1 commission. All commission records or portions of records that relate to mailing  
2 addresses of these persons are not subject to inspection or copying under s. 19.35 (1).  
3 Before any written statement of a person specified in par. (c) 3. is made a part of the  
4 documentary record considered in connection with a parole hearing ~~for parole, or~~  
5 ~~release to extended supervision~~ under this section, the ~~earned release review~~ parole  
6 commission shall obliterate from the statement all references to the mailing  
7 addresses of the person. A person specified in par. (c) 3. who attends an interview  
8 or hearing under par. (eg) may not be required to disclose at the interview or hearing  
9 his or her mailing addresses.

10 **SECTION 3073.** 304.06 (1) (g) of the statutes is amended to read:

11 304.06 (1) (g) Before a person is released on parole ~~or released to extended~~  
12 ~~supervision~~ under this subsection, the ~~earned release review~~ parole commission  
13 shall so notify the municipal police department and the county sheriff for the area  
14 where the person will be residing. The notification requirement under this  
15 paragraph does not apply if a municipal department or county sheriff submits to the  
16 ~~earned release review~~ parole commission a written statement waiving the right to  
17 be notified. If applicable, the department shall also comply with s. 304.063.

18 **SECTION 3074.** 304.06 (1m) (intro.) of the statutes is amended to read:

19 304.06 (1m) (intro.) The ~~earned release review~~ parole commission may waive  
20 the 25% or 6-month service of sentence requirement under sub. (1) (b) under any of  
21 the following circumstances:

22 **SECTION 3075.** 304.06 (1q) (b) of the statutes is amended to read:

23 304.06 (1q) (b) The ~~earned release review~~ parole commission or the department  
24 may require as a condition of parole that a serious child sex offender undergo  
25 pharmacological treatment using an antiandrogen or the chemical equivalent of an

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1 antiandrogen. This paragraph does not prohibit the department from requiring  
2 pharmacological treatment using an antiandrogen or the chemical equivalent of an  
3 antiandrogen as a condition of probation.

4 **SECTION 3076.** 304.06 (1q) (c) of the statutes is amended to read:

5 304.06 (1q) (c) In deciding whether to grant a serious child sex offender release  
6 on parole under this subsection, the ~~earned release review~~ parole commission may  
7 not consider, as a factor in making its decision, that the offender is a proper subject  
8 for pharmacological treatment using an antiandrogen or the chemical equivalent of  
9 an antiandrogen or that the offender is willing to participate in pharmacological  
10 treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

11 **SECTION 3077.** 304.06 (1x) of the statutes is amended to read:

12 304.06 (1x) The ~~earned release review~~ parole commission may require as a  
13 condition of parole that the person is placed in the intensive sanctions program under  
14 s. 301.048. In that case, the person is in the legal custody of the department under  
15 that section and is subject to revocation of parole under sub. (3).

16 **SECTION 3078.** 304.06 (2m) (d) of the statutes is amended to read:

17 304.06 (2m) (d) The ~~earned release review~~ parole commission or the  
18 department shall determine a prisoner's county of residence for the purposes of this  
19 subsection by doing all of the following:

20 1. The ~~earned release review~~ parole commission or the department shall  
21 consider residence as the voluntary concurrence of physical presence with intent to  
22 remain in a place of fixed habitation and shall consider physical presence as prima  
23 facie evidence of intent to remain.

24 2. The ~~earned release review~~ parole commission or the department shall apply  
25 the criteria for consideration of residence and physical presence under subd. 1. to the

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1 facts that existed on the date that the prisoner committed the serious sex offense that  
2 resulted in the sentence the prisoner is serving.

3 **SECTION 3079.** 304.06 (3) of the statutes is amended to read:

4 304.06 (3) Every paroled prisoner ~~paroled or released to extended supervision~~  
5 remains in the legal custody of the department unless otherwise provided by the  
6 department. If the department alleges that any condition or rule of parole ~~or~~  
7 ~~extended supervision~~ has been violated by the prisoner, the department may take  
8 physical custody of the prisoner for the investigation of the alleged violation. If the  
9 department is satisfied that any condition or rule of parole ~~or extended supervision~~  
10 has been violated it shall afford the prisoner such administrative hearings as are  
11 required by law. Unless waived by the parolee ~~or person on extended supervision~~,  
12 the final administrative hearing shall be held before a hearing examiner from the  
13 division of hearings and appeals in the department of administration who is licensed  
14 to practice law in this state. The hearing examiner shall enter an order revoking or  
15 not revoking parole ~~or extended supervision~~. Upon request by either party, the  
16 administrator of the division of hearings and appeals shall review the order. The  
17 hearing examiner may order that a deposition be taken by audiovisual means and  
18 allow the use of a recorded deposition under s. 967.04 (7) to (10). If the parolee ~~or~~  
19 ~~person on extended supervision~~ waives the final administrative hearing, the  
20 secretary of corrections shall enter an order revoking or not revoking parole ~~or~~  
21 ~~extended supervision~~. If the examiner, the administrator upon review, or the  
22 secretary in the case of a waiver finds that the prisoner has violated the rules or  
23 conditions of parole ~~or extended supervision~~, the examiner, the administrator upon  
24 review, or the secretary in the case of a waiver, may order the prisoner returned to  
25 prison to continue serving his or her sentence, or to continue on parole ~~or extended~~

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1 supervision. If the prisoner claims or appears to be indigent, the department shall  
2 refer the prisoner to the authority for indigency determinations specified under s.  
3 977.07 (1).

4 **SECTION 3080.** 304.06 (3e) of the statutes is amended to read:

5 304.06 (3e) The division of hearings and appeals in the department of  
6 administration shall make either an electronic or stenographic record of all  
7 testimony at each parole ~~or extended supervision~~ revocation hearing. The division  
8 shall prepare a written transcript of the testimony only at the request of a judge who  
9 has granted a petition for judicial review of the revocation decision. Each hearing  
10 notice shall include notice of the provisions of this subsection and a statement that  
11 any person who wants a written transcript may record the hearing at his or her own  
12 expense.

13 **SECTION 3081.** 304.06 (3m) of the statutes is amended to read:

14 304.06 (3m) If the convicting court is informed by the department that a  
15 prisoner on parole ~~or extended supervision~~ has absconded and that the prisoner's  
16 whereabouts are unknown, the court may issue a capias for execution by the sheriff.

17 **SECTION 3082.** 304.071 (1) of the statutes is amended to read:

18 304.071 (1) The ~~earned release review~~ parole commission may at any time  
19 grant a parole ~~or release to extended supervision~~ to any prisoner in any penal  
20 institution of this state, or the department may at any time suspend the supervision  
21 of any person who is on probation, or parole, ~~or extended supervision~~ to the  
22 department, if the prisoner or person on probation, or parole, ~~or extended~~  
23 ~~supervision~~ is eligible for induction into the U.S. armed forces. The suspension of  
24 parole, ~~extended supervision~~, or probation shall be for the duration of his or her  
25 service in the armed forces; and the parole, ~~extended supervision~~, or probation shall

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1 again become effective upon his or her discharge from the armed forces in accordance  
2 with regulations prescribed by the department. If he or she receives an honorable  
3 discharge from the armed forces, the governor may discharge him or her and the  
4 discharge has the effect of a pardon. Upon the suspension of parole, ~~extended~~  
5 ~~supervision~~, or probation by the department, the department shall issue an order  
6 setting forth the conditions under which the parole, ~~extended supervision~~, or  
7 probation is suspended, including instructions as to where and when and to whom  
8 the person on parole ~~or extended supervision~~ shall report upon discharge from the  
9 armed forces.

10 **SECTION 3083.** 321.40 (1) (c) 1m. of the statutes is created to read:

11 321.40 (1) (c) 1m. The University of Wisconsin-Madison.

12 **SECTION 3084.** 321.40 (3) (b) 1. of the statutes is amended to read:

13 321.40 (3) (b) 1. Be submitted to the department for approval of payment no  
14 later than ~~60~~ 90 days after the completion date of the course;

15 **SECTION 3085.** 321.65 (1) (a) 2. of the statutes is amended to read:

16 321.65 (1) (a) 2. Active service with the state laboratory of hygiene under s.  
17 ~~36.25 (11) (em)~~ 37.57 (5m) for the purpose of assisting the department of health  
18 services under s. 250.042 during a state of emergency relating to public health  
19 declared by the governor under s. 323.10.

20 **SECTION 3086.** 340.01 (18j) of the statutes is created to read:

21 340.01 (18j) "Federal out-of-service order for unsatisfactory safety  
22 compliance" means an out-of-service order issued by the federal motor carrier safety  
23 administration under 49 CFR 385.13 (a), 385.105 (b), 385.111 (a) or (c), 385.325 (c),  
24 385.337 (b), 386.72 (b) (2), 386.83 (a) (1), or 386.84 (a) (1).

25 **SECTION 3087.** 341.10 (16) of the statutes is created to read:

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1           341.10 (16) The applicant has applied for registration under the international  
2 registration plan specified in s. 341.405 and, in the registration application, the  
3 applicant has identified as the motor carrier responsible for the safety of the motor  
4 vehicle to be registered a motor carrier for which the department has received notice  
5 that the motor carrier is subject to a federal out-of-service order for unsatisfactory  
6 safety compliance. This subsection does not prohibit the applicant from registering  
7 the motor vehicle under any applicable provision of this chapter other than s.  
8 341.405.

9           **SECTION 3088.** 341.10 (17) of the statutes is created to read:

10           341.10 (17) The applicant has applied for registration under the international  
11 registration plan specified in s. 341.405 and the motor vehicle for which application  
12 is made has been identified by the federal motor carrier safety administration as  
13 having been assigned for safety to a motor carrier whose business is operated,  
14 managed, or otherwise controlled or affiliated with a person that has been issued a  
15 federal out-of-service order for unsatisfactory safety compliance. This subsection  
16 does not prohibit the applicant from registering the motor vehicle under any  
17 applicable provision of this chapter other than s. 341.405.

18           **SECTION 3089.** 341.12 (2) of the statutes is amended to read:

19           341.12 (2) The department shall purchase plates from the Waupun  
20 Correctional Institution unless otherwise approved by the governor. Subject to any  
21 specific requirements which may be imposed by statute, the department shall  
22 determine the size, color and design of registration plates with a view toward making  
23 them visible evidence of the period for which the vehicle is registered and the fee class  
24 into which the vehicle falls as well as and making them a ready means of identifying  
25 the specific vehicle or owner for which the plates were issued.

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## SECTION 3090

1           **SECTION 3090.** 341.12 (3) (c) of the statutes is repealed.

2           **SECTION 3091.** 341.13 (title) of the statutes is amended to read:

3           **341.13 (title) Additional specifications for plate design of certain plates**  
4           **and certificate of registration requirements.**

5           **SECTION 3092.** 341.13 (1) (intro.) and (a) of the statutes are consolidated,  
6           renumbered 341.13 (1) and amended to read:

7           341.13 (1) In addition to the matter specified in s. 341.12 (3), registration plates  
8           for automobiles registered pursuant to the registration system under s. 341.27,  
9           except automobiles registered under s. 341.14 (6r) or 341.145 (1) (c), shall comply  
10          with the following specifications: ~~(a) The display the words "America's Dairyland"~~  
11          ~~shall be displayed~~ across either the lower or upper portion of the plate at the  
12          discretion of the secretary.

13          **SECTION 3093.** 341.13 (1) (b) of the statutes is repealed.

14          **SECTION 3094.** 341.13 (2) of the statutes is amended to read:

15          341.13 (2) ~~In addition to the matter specified in s. 341.12 (3), the registration~~  
16          ~~plates for~~ For a vehicle registered on the basis of gross weight ~~except a dual purpose~~  
17          ~~motor home or a motor home, motor truck, farm truck, or dual purpose farm truck~~  
18          ~~registered under s. 341.14 (1), (1a), (1m), (1q), (2), (6m), or (6r) or 341.145 (1) (a), (b),~~  
19          ~~(c), (d), or (e) or a motor truck or dual purpose farm truck registered under s. 341.14~~  
20          ~~(6) shall indicate the weight class into which the vehicle falls in a manner prescribed~~  
21          ~~by the department. The, the gross weight which that~~ determines the registration fee  
22          ~~for a dual purpose motor home or a motor home, motor truck, farm truck, or dual~~  
23          ~~purpose farm truck registered under s. 341.14 (1), (1a), (1m), (1q), (2), (6m), or (6r)~~  
24          ~~or 341.145 (1) (a), (b), (c), (d), or (e) or a motor truck or dual purpose farm truck~~  
25          ~~registered under s. 341.14 (6) shall be shown on its certificate of registration.~~

**BILL****SECTION 3095**

1           **SECTION 3095.** 341.13 (3) of the statutes is amended to read:

2           341.13 (3) ~~In lieu of issuing~~ The department is not required to issue a new plate  
3 upon each renewal of registration of a vehicle, ~~the department may issue one insert~~  
4 ~~tag, decal or other evidence of registration per vehicle to indicate the period of~~  
5 ~~registration. The tag, decal or other evidence of registration shall be provided by the~~  
6 ~~department and used only if the outstanding plate is in suitable condition for further~~  
7 ~~usage. A decal shall be displayed as provided in s. 341.15 (1m).~~

8           **SECTION 3096.** 341.13 (3m) of the statutes is repealed.

9           **SECTION 3097.** 341.13 (4) of the statutes is amended to read:

10          341.13 (4) ~~A~~ The certificate of registration for a specially designed vehicle  
11 which is authorized for operation under s. 343.135 (2) (a) 2. shall ~~bear a tag, decal~~  
12 ~~or other identification issued by the department to indicate that the vehicle may be~~  
13 subject to special equipment standards under s. 347.02 (6) and that the vehicle may  
14 be operated only by a person authorized to do so under s. 343.135 (2) (b).

15          **SECTION 3098.** 341.14 (6r) (b) 4. of the statutes is amended to read:

16          341.14 (6r) (b) 4. An additional fee of \$20 that is in addition to the fee under  
17 subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual  
18 basis for a special group specified under par. (f) 35. to 47. 47m. An additional fee of  
19 \$40 that is in addition to the fee under subd. 2. shall be charged for the issuance or  
20 renewal of a plate issued on a biennial basis for a special group specified under par.  
21 (f) 35. to 47. 47m. if the plate is issued or renewed during the first year of the biennial  
22 registration period or \$20 for the issuance or renewal if the plate is issued or renewed  
23 during the 2nd year of the biennial registration period. The fee under this  
24 subdivision is deductible as a charitable contribution for purposes of the taxes under  
25 ch. 71.

**BILL**

1           **SECTION 3099.** 341.14 (6r) (c) of the statutes is amended to read:

2           341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the  
3 name of the applicable authorized special group, a symbol representing the special  
4 group, not exceeding one position, and identifying letters or numbers or both, not  
5 exceeding 6 positions and not less than one position. The department shall specify  
6 the design for special group plates, but the department shall consult the president  
7 of the University of Wisconsin System before specifying the word or symbol used to  
8 identify the special groups under par. (f) 35. to 47., the chancellor of the University  
9 of Wisconsin-Madison before specifying the word or symbol used to identify the  
10 special group under par. (f) 47m., the secretary of natural resources before specifying  
11 the word or symbol used to identify the special groups under par. (f) 50. and 59., the  
12 chief executive officer of the professional football team and an authorized  
13 representative of the league of professional football teams described in s. 229.823 to  
14 which that team belongs before specifying the design for the applicable special group  
15 plate under par. (f) 55., the chief trademark officer of Harley-Davidson Michigan,  
16 LLC before specifying the design for the applicable special group plate under par. (f)  
17 61r., the department of veterans affairs before specifying the design for the special  
18 group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and  
19 chief executive officer of the organization specified in par. (f) 55m. before specifying  
20 the design and word or symbol used to identify the special group name for special  
21 group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as  
22 similar as possible to regular registration plates in color and design. The department  
23 shall make available 2 designs for the special group plates under par. (f) 60. The  
24 department may not specify any design for the special group plates under par. (f) 60.  
25 unless the design is approved by the executive vice president of the Milwaukee

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1     Brewers Baseball Club LP. The word or symbol used to identify the special group  
2     under par. (f) 59. shall be different from the word or symbol used to identify the  
3     special group under par. (f) 50. and the design shall cover the entire plate. Special  
4     group plates under par. (f) 61m. shall display a logo or image of the lion associated  
5     with the Lions Clubs International. Special group plates under par. (f) 61r. shall  
6     display a bar and shield logo associated with Harley-Davidson, Inc., on the left  
7     portion of the plates and the words "share the road" on the bottom portion of the  
8     plates.

9           **SECTION 3100.** 341.14 (6r) (e) of the statutes is amended to read:

10          341.14 **(6r)** (e) The department shall specify one combination of colors for  
11     special group plates for groups or organizations which are not military in nature and  
12     not special group plates under par. (f) 35. to 47. 47m., 50., and 59., for each  
13     professional football team under par. (f) 55., and for each professional baseball team  
14     under par. (f) 60. The department shall specify one combination of colors for special  
15     group plates under par. (f) 35. to 47. 47m. Subject to par. (c), the department shall  
16     specify the word or words comprising the special group name and the symbol to be  
17     displayed upon special group plates for a group or organization which is not military  
18     in nature after consultation with the chief executive officer in this state of the group  
19     or organization. The department shall require that the word or words and symbol  
20     for a university specified under par. (f) 35. to 47. be a registration decal or tag and  
21     affixed to the special group plate and be of the colors for a university specified under  
22     par. (f) 35. to 47. that the president of the University of Wisconsin System specifies.  
23     The department shall require that the word or words and symbol for the university  
24     specified under par. (f) 47m. be a registration decal or tag affixed to the special group  
25     plate and be of the colors for the university specified under par. (f) 47m. that the

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1 chancellor of the University of Wisconsin-Madison specifies. The department shall  
2 consult the chief trademark officer of Harley-Davidson Michigan, LLC before  
3 specifying the colors for the special group plate under par. (f) 61r.

4 **SECTION 3101.** 341.14 (6r) (f) 38. of the statutes is renumbered 341.14 (6r) (f)  
5 47m.

6 **SECTION 3102.** 341.14 (10) of the statutes is created to read:  
7 341.14 (10) From the appropriation under s. 20.395 (5) (ef), the department  
8 shall make payments to the University of Wisconsin-Madison for the scholarship  
9 program under s. 37.44.

10 **SECTION 3103.** 341.145 (1r) of the statutes is repealed.

11 **SECTION 3104.** 341.15 (1m) of the statutes is repealed.

12 **SECTION 3105.** 341.15 (3) (a) of the statutes is amended to read:

13 341.15 (3) (a) A person who operates a vehicle for which a current registration  
14 plate, ~~insert tag, decal~~ or other evidence of registration has been issued without such  
15 plate, ~~tag, decal~~ or other evidence of registration being attached to the vehicle, except  
16 when such vehicle is being operated pursuant to a temporary operation permit or  
17 plate;

18 **SECTION 3106.** 341.16 (1) (b) of the statutes is amended to read:

19 341.16 (1) (b) Upon satisfactory proof of the loss or destruction of a special plate  
20 issued under s. 341.14 (6m) (a), (6r) (b), or (6w) or a special personalized plate issued  
21 under s. 341.145 (1) (b), (c), or (f) and upon payment of a fee of \$5 for each plate or,  
22 if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to 47. 47m. or  
23 53., \$6 for each plate, the department shall issue a replacement.

24 **SECTION 3107.** 341.405 (3m) of the statutes is created to read:

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1           341.405 **(3m)** (a) If the registration of a motor vehicle registered under this  
2 section is suspended under s. 341.63 (1) (f), (1m), or (1r), or if an application for  
3 registration is refused under s. 341.10 (16) or (17), the motor vehicle may be  
4 registered, subject to all applicable requirements and fees, under any applicable  
5 provision of this chapter other than this section.

6           (b) All of the following apply to a person who registers a motor vehicle under  
7 another applicable provision of this chapter as described in par. (a):

8           1. The person is not entitled to credit for any registration fee previously paid  
9 to register the motor vehicle under this section.

10          2. If the motor vehicle's registration under this section is reinstated after this  
11 registration period has expired, in renewing the motor vehicle's registration under  
12 this section the person is entitled to credit for the registration fee paid to register the  
13 motor vehicle as described in par. (a), calculated based upon the unused portion of  
14 that registration period.

15          (c) Notwithstanding s. 341.10 (16) and (17), the department may refuse  
16 registration of a motor vehicle under this section if the department determines that  
17 the motor carrier identified on the motor vehicle's registration application as the  
18 motor carrier responsible for safety of the vehicle is the same or substantially the  
19 same business, or that elements of the motor carrier operation are the same or  
20 substantially the same business elements, as a motor carrier that has been issued  
21 a federal out-of-service order for unsatisfactory safety compliance.

22          **SECTION 3108.** 341.41 (7) of the statutes is amended to read:

23          341.41 **(7)** Except as to foreign owned vehicles required by s. 341.07 to be  
24 registered in this state, vehicles owned or operated by a nonresident in interstate or  
25 intrastate movement may be qualified by advance purchase of a trip permit which

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1 authorizes operation for a 72-hour period when the vehicle is not eligible for  
2 reciprocal privileges. Unless waived by the secretary, the fee for the trip permit shall  
3 be not less than \$15. The secretary may, upon determining that a special  
4 transportation need exists, waive the fee for the trip permit. The secretary shall  
5 make rules and regulations for the issuance and use of the permits. No permit may  
6 be issued under this subsection for any motor vehicle for which the motor carrier  
7 identified on the permit application as the motor carrier responsible for safety of the  
8 vehicle has been issued a federal out-of-service order for unsatisfactory safety  
9 compliance.

10 **SECTION 3109.** 341.52 of the statutes is amended to read:

11 **341.52 Design of registration plates.** Registration plates for dealers,  
12 distributors, manufacturers, and transporters are subject to the provisions of s.  
13 341.12 (2) and (3) except s. 341.12 (3) (c). In addition, each plate shall have displayed  
14 upon it a symbol capable of distinguishing it from any other plate which may be  
15 issued to the same dealer, distributor, manufacturer, or transporter.

16 **SECTION 3110.** 341.52 of the statutes, as affected by 2011 Wisconsin Act .... (this  
17 act), is amended to read:

18 **341.52 Design of registration plates.** Registration plates for dealers,  
19 distributors, manufacturers, and transporters are subject to the provisions of s.  
20 341.12 (2) and (3) except s. 341.12 (3) (c). In addition, each plate shall have displayed  
21 upon it a symbol capable of distinguishing it from any other plate which may be  
22 issued to the same dealer, distributor, manufacturer, or transporter.

23 **SECTION 3111.** 341.53 of the statutes is amended to read:

24 **341.53 Expiration of registration; transferability of plates.** Certificates  
25 of registration and registration plates issued to dealers, distributors, manufacturers,

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1 or transporters shall be issued for the calendar year and are valid only during the  
2 calendar year for which issued. Notwithstanding s. 341.13 (3), the department may  
3 renew registration plates issued to dealers, distributors, manufacturers, or  
4 transporters without issuing new plates or insert tags, decals, or other evidence of  
5 registration. Registration plates are transferable from one motor vehicle, trailer or  
6 semitrailer to another motor vehicle, trailer or semitrailer and from one recreational  
7 vehicle to another.

8 **SECTION 3112.** 341.57 (2) of the statutes is amended to read:

9 341.57 (2) A finance company licensed under ss. 138.09 or 218.0101 to  
10 218.0163, a credit union licensed under ch. 186, a savings bank organized under ch.  
11 214, a savings and loan association organized under ch. 215 or a state bank or a  
12 national bank with offices in this state may apply to the department for registration  
13 on such form as the department provides. Upon receipt of the application together  
14 with a registration fee of \$75, the department shall register the applicant and shall  
15 issue one registration plate containing the registration number assigned to the  
16 applicant. The department, upon receiving a fee of \$5 for each additional plate  
17 desired by the applicant, shall issue additional plates as the applicant orders.  
18 Section 341.52 applies to the design of the plates. The registration and plates are  
19 valid only during the calendar year for which issued. Notwithstanding s. 341.13 (3),  
20 the department may renew registration plates issued under this subsection without  
21 issuing new plates or insert tags, decals, or other evidence of registration. A plate  
22 is transferable from one motor vehicle to another. The department may charge a fee  
23 of \$2 per plate for replacing lost, damaged or illegible plates issued under this  
24 subsection.

25 **SECTION 3113.** 341.605 (1) of the statutes is amended to read:

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1           341.605 (1) Except as authorized by the department, no person may transfer  
2 to another person or offer for sale a registration plate, ~~insert tag, decal~~ or other  
3 evidence of registration issued by the department. This subsection does not apply  
4 to transfers of vehicles under s. 342.15 (4) (c).

5           **SECTION 3114.** 341.605 (2) of the statutes is amended to read:

6           341.605 (2) No person may transfer to another person or offer for sale a  
7 counterfeit, forged or fictitious registration plate, ~~insert tag, decal~~ or other evidence  
8 of registration.

9           **SECTION 3115.** 341.61 (title) of the statutes is amended to read:

10          **341.61 (title) Improper use of evidence of registration plate.**

11          **SECTION 3116.** 341.61 (1) of the statutes is amended to read:

12          341.61 (1) Lends to another a registration plate, ~~insert tag, decal~~ or other  
13 evidence of registration for display upon a vehicle for which the plate, ~~tag, decal~~ or  
14 other evidence of registration has not been issued.

15          **SECTION 3117.** 341.61 (2) of the statutes is amended to read:

16          341.61 (2) Displays upon a vehicle a registration plate, ~~insert tag, decal~~ or other  
17 evidence of registration not issued for such vehicle or not otherwise authorized by  
18 law to be used thereon.

19          **SECTION 3118.** 341.61 (3) of the statutes is amended to read:

20          341.61 (3) Willfully twists, paints, alters or adds to or cuts off any portion of  
21 a registration plate, ~~insert tag, decal~~ or other evidence of registration; or who places  
22 or deposits, or causes to be placed or deposited on such plate, ~~insert tag, decal~~ or other  
23 evidence of registration any substance to hinder the normal reading of such plate,  
24 ~~insert tag, decal~~ or other evidence of registration; or who defaces, disfigures, covers,  
25 obstructs, changes or attempts to change any letter or figure thereon; or who causes

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1 such plate, ~~insert tag, decal or other evidence of registration~~ to appear to be a  
2 different color.

3 **SECTION 3119.** 341.61 (4) of the statutes is amended to read:

4 341.61 (4) Possesses a fraudulently or unlawfully obtained registration plate,  
5 ~~insert tag, decal or other evidence of registration.~~

6 **SECTION 3120.** 341.61 (5) of the statutes is amended to read:

7 341.61 (5) Possesses a counterfeit registration plate, ~~insert tag, decal or other~~  
8 ~~evidence of registration.~~

9 **SECTION 3121.** 341.615 of the statutes is amended to read:

10 **341.615 Reproducing evidence of registration prohibited.** Except as  
11 authorized by the department, any person who reproduces, by any means whatever,  
12 a registration plate, ~~insert tag, decal~~ or other evidence of registration shall forfeit not  
13 less than \$200 nor more than \$500.

14 **SECTION 3122.** 341.63 (1) (f) of the statutes is created to read:

15 341.63 (1) (f) The motor vehicle is registered under the international  
16 registration plan specified in s. 341.405 and the motor vehicle has been identified by  
17 the federal motor carrier safety administration as having been assigned for safety  
18 to a motor carrier whose business is operated, managed, or otherwise controlled or  
19 affiliated with a person that has been issued a federal out-of-service order for  
20 unsatisfactory safety compliance.

21 **SECTION 3123.** 341.63 (1m) of the statutes is created to read:

22 341.63 (1m) Upon receiving notice that a motor carrier has been issued a  
23 federal out-of-service order for unsatisfactory safety compliance, the department  
24 shall suspend the registration of each motor vehicle to which all of the following  
25 apply:

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1 (a) The motor carrier is identified on the motor vehicle's registration  
2 application as the motor carrier responsible for the safety of the vehicle.

3 (b) The motor vehicle is registered under the international registration plan  
4 specified in s. 341.405.

5 **SECTION 3124.** 341.63 (1r) of the statutes is created to read:

6 341.63 (1r) The department may suspend the registration of a motor vehicle  
7 registered under the international registration plan specified in s. 341.405 if the  
8 department determines that the motor carrier identified on the motor vehicle's  
9 registration application as the motor carrier responsible for safety of the vehicle is  
10 the same or substantially the same business, or that elements of the motor carrier  
11 operation are the same or substantially the same business elements, as a motor  
12 carrier that has been issued a federal out-of-service order for unsatisfactory safety  
13 compliance.

14 **SECTION 3125.** 341.63 (3) of the statutes is renumbered 341.63 (3) (a).

15 **SECTION 3126.** 341.63 (3) (b) of the statutes is created to read:

16 341.63 (3) (b) In addition to or in lieu of ordering the return of registration  
17 plates under par. (a), the department may seize and destroy the registration plates  
18 of any motor vehicle for which all of the following apply:

19 1. The motor carrier identified on the motor vehicle's registration application  
20 as the motor carrier responsible for safety of the vehicle has been issued a federal  
21 out-of-service order for unsatisfactory safety compliance.

22 2. The motor vehicle is registered under the international registration plan  
23 specified in s. 341.405 or under a similar international registration plan under the  
24 law of another jurisdiction.

25 **SECTION 3127.** 341.65 (1) (b) of the statutes is amended to read:

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1           341.65 (1) (b) "Unregistered motor vehicle" means any motor vehicle that is  
2   located upon a highway and that is not displaying ~~valid registration plates, a~~  
3   temporary operation plate, ~~or other evidence of registration~~ a registration plate for  
4   which the department's vehicle registration records indicate valid registration as  
5   provided under s. 341.18 (1) for the vehicle's current registration period or for a  
6   registration period for the vehicle that expired within the immediately preceding 31  
7   days.

8           **SECTION 3128.** 342.09 (1) of the statutes is renumbered 342.09 (1) (a) and  
9   amended to read:

10          342.09 (1) (a) The department shall maintain a record of each application for  
11   certificate of title received by it and, when satisfied as to its genuineness and  
12   regularity and that the applicant is entitled to the issuance of a certificate of title,  
13   shall issue and, except as provided in par. (b), deliver a certificate to the owner of the  
14   vehicle.

15          **SECTION 3129.** 342.09 (1) (b) of the statutes is created to read:

16          342.09 (1) (b) If there is a perfected security interest in a vehicle, the  
17   department shall deliver the certificate of title to the secured party having the  
18   primary perfected security interest in the vehicle.

19          **SECTION 3130.** 342.13 (1) of the statutes is amended to read:

20          342.13 (1) If a certificate of title is lost, stolen, mutilated, or destroyed, or  
21   becomes illegible, the owner or ~~legal representative of the owner named in person in~~  
22   possession of the certificate, as shown by the records of the department, shall  
23   promptly make application for and may obtain a replacement upon furnishing  
24   information satisfactory to the department. The replacement certificate of title shall  
25   contain a notation, in a form determined by the department, identifying the

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1 certificate as a replacement certificate that may be subject to the rights of a person  
2 under the original certificate.

3 **SECTION 3131.** 342.14 (1) of the statutes is amended to read:

4 342.14 (1) For filing an application for the first certificate of title, ~~\$53.00~~ \$62,  
5 by the owner of the vehicle.

6 **SECTION 3132.** 342.14 (1r) of the statutes is repealed.

7 **SECTION 3133.** 342.14 (3) of the statutes is amended to read:

8 342.14 (3) For a certificate of title after a transfer, ~~\$53.00~~ \$62, by the owner of  
9 the vehicle.

10 **SECTION 3134.** 342.15 (1) (a) of the statutes is amended to read:

11 342.15 (1) (a) If an owner transfers an interest in a vehicle, other than by the  
12 creation of a security interest, the owner shall comply with the requirements of s.  
13 342.155 and, at the time of the delivery of the vehicle, execute an assignment and  
14 warranty of title to the transferee in the space provided therefor on the certificate,  
15 and the owner or person in possession of the certificate, as shown by the records of  
16 the department, shall cause the certificate to be mailed or delivered to the transferee,  
17 except that if the vehicle being transferred is a junk vehicle or has been junked, the  
18 owner shall return the certificate to the department in accordance with s. 342.34.

19 **SECTION 3135.** 342.15 (1) (c) of the statutes is amended to read:

20 342.15 (1) (c) If an owner transfers his or her interest in a salvage vehicle, the  
21 owner shall at the time of the delivery of the vehicle, execute an assignment and  
22 warranty of title to the transferee in the space provided therefor on the certificate,  
23 and the owner or person in possession of the certificate, as shown by the records of  
24 the department, shall cause the certificate to be mailed or delivered to the transferee.

25 **SECTION 3136.** 342.15 (5) of the statutes is amended to read:

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1           342.15 (5) Any owner of a vehicle for which a certificate of title has been issued,  
2           who upon transfer of the vehicle fails to execute ~~and deliver~~ the assignment and  
3           warranty of title required by sub. (1), or the owner or person in possession of such  
4           certificate of title, as shown by the records of the department, who fails to deliver the  
5           assignment and warranty of title required by sub. (1), may be required to forfeit not  
6           more than \$500.

7           **SECTION 3137.** 342.20 (1) of the statutes is amended to read:

8           342.20 (1) The owner shall immediately execute, in the space provided therefor  
9           on the certificate of title or on a separate form or in an automated format prescribed  
10          by the department, an application to name the secured party on the certificate,  
11          showing the name and address of the secured party, and the owner or person in  
12          possession of the owner's certificate, as shown by the records of the department, shall  
13          cause the certificate, application and the required fee to be delivered to the secured  
14          party.

15          **SECTION 3138.** 342.20 (3) of the statutes is amended to read:

16          342.20 (3) Upon receipt of the certificate of title, application, and the required  
17          fee, or upon receipt of the security interest statement and required fee if the secured  
18          party has utilized the process specified in s. 342.245 (1), the department shall issue  
19          to the owner a new certificate containing the name and address of the new secured  
20          party. The department shall deliver to such new secured party, unless the secured  
21          party utilized the process specified in s. 342.245 (1), and to the register of deeds of  
22          the county of the owner's residence, memoranda, in such form as the department  
23          prescribes, evidencing the notation of the security interest upon the certificate; and  
24          thereafter, upon any assignment, termination or release of the security interest,  
25          additional memoranda evidencing such action.

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1           **SECTION 3139.** 342.22 (1) (intro.) of the statutes is amended to read:

2           342.22 (1) (intro.) Within one month or within 10 days following written  
3 demand by the debtor after there is no outstanding obligation and no commitment  
4 to make advances, incur obligations or otherwise give value, secured by the security  
5 interest in a vehicle under any security agreement between the owner and the  
6 secured party, the secured party shall mail or deliver the certificate of title for the  
7 vehicle to the department if the secured party is in possession of the certificate and  
8 shall also do one of the following:

9           **SECTION 3140.** 342.22 (2) of the statutes is amended to read:

10          342.22 (2) ~~An~~ If an owner, other than a dealer holding the vehicle for resale,  
11 is in possession of the owner's certificate of title, the owner, upon receipt of the release  
12 and notice of obligation delivered under sub. (1) (a), shall promptly cause the  
13 certificate and release to be mailed or delivered to the department, which shall  
14 release the secured party's rights on the certificate and issue a new certificate. Upon  
15 receipt of the notice under sub. (1) (b), the owner may, in the form and manner  
16 prescribed by the department and without additional fee, deliver an application and  
17 the certificate of title to the department and the department shall issue a new  
18 certificate of title free of the security interest notation.

19          **SECTION 3141.** 342.23 (2) (a) of the statutes is renumbered 342.23 (2) and  
20 amended to read:

21          342.23 (2) An owner or person in possession of the owner's certificate of title,  
22 as shown by the records of the department, shall promptly deliver the owner's  
23 certificate of title to any secured party who is named on it or who has a security  
24 interest in the vehicle described in it under any other applicable prior law of this

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1 state, upon receipt of a notice from such secured party that the security interest is  
2 to be assigned, extended or perfected.

3 **SECTION 3142.** 342.23 (2) (b) of the statutes is repealed.

4 **SECTION 3143.** 342.23 (4) of the statutes is amended to read:

5 342.23 (4) Any owner or other person in possession of the owner's certificate  
6 of title who fails to deliver the certificate of title to a secured party requesting it  
7 pursuant to sub. (2) ~~(a)~~ shall be liable to such secured party for any loss caused to the  
8 secured party thereby and may be required to forfeit not more than \$200.

9 **SECTION 3144.** 343.03 (3r) of the statutes is created to read:

10 343.03 (3r) REAL ID NONCOMPLIANT LICENSE. If any license described under sub.  
11 (3) is issued based upon the exception specified in s. 343.165 (7), the license shall, in  
12 addition to any legend or label described in sub. (3), be marked in a manner  
13 consistent with requirements under applicable federal law and regulations to  
14 indicate that the license is issued in accordance with P.L. 109-13, section 202 (d) (11),  
15 and is not intended to be accepted by any federal agency for federal identification or  
16 any other official purpose.

17 **SECTION 3145.** 343.06 (1) (L) of the statutes, as affected by 2007 Wisconsin Act  
18 20, is amended to read:

19 343.06 (1) (L) To any person who does not satisfy the requirements under s.  
20 343.165 (1).

21 **SECTION 3146.** 343.065 (3) of the statutes is created to read:

22 343.065 (3) (a) If a person issued any commercial driver license under this  
23 chapter authorizing operation of commercial motor vehicles in interstate commerce  
24 does not have on file with the department a current certification specified in s. 343.14  
25 (2) (i) 1. covering the person's physical qualifications, the department may

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1       downgrade the commercial driver license to a restricted commercial driver license  
2       under this section and impose a "K" restriction on the license.

3           (b) The department shall promulgate rules to define "downgrade" in  
4       accordance with federal law and regulations or guidance from the applicable federal  
5       agency, to establish the process for downgrading a commercial driver license and  
6       whether or not a new commercial driver license document will be issued after a  
7       commercial driver license is downgraded, and to establish the process for reinstating  
8       a downgraded commercial driver license after the department receives from the  
9       licensee a valid medical certification or other appropriate certification of physical  
10      qualifications.

11           **SECTION 3147.** 343.10 (7) (d) of the statutes, as affected by 2007 Wisconsin Act  
12      20, is amended to read:

13           343.10 (7) (d) An occupational license issued by the department under this  
14      subsection shall be in the form of a license that includes a photograph described in  
15      s. 343.14 (3), unless the exception under s. 343.14 (3m) applies, and any special  
16      restrictions cards under s. 343.17 (4). The license shall clearly indicate that  
17      restrictions on a special restrictions card apply and that the special restrictions card  
18      is part of the person's license.

19           **SECTION 3148.** 343.11 (1) of the statutes is amended to read:

20           343.11 (1) The department shall not issue a license to a person previously  
21      licensed in another jurisdiction unless such person surrenders to the department all  
22      valid operator's licenses possessed by the person issued by any other jurisdiction,  
23      which surrender operates as a cancellation of the surrendered licenses insofar as the  
24      person's privilege to operate a motor vehicle in this state is concerned. When such  
25      applicant surrenders the license to the department, the department shall issue a

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1 receipt therefor, which receipt shall constitute a temporary license to operate a motor  
2 vehicle for a period not to exceed 60 days if the applicant meets the standard required  
3 for eyesight and, in the opinion of the examiner, is not a dangerous hazard to the  
4 applicant and other users of the highways. ~~Except as provided in s. 343.055, the~~  
5 ~~temporary license shall not be valid authorization for the operation of commercial~~  
6 ~~motor vehicles.~~ The temporary license shall be surrendered to the examiner for  
7 cancellation by the department if the 3rd attempt at the driving test is failed and the  
8 applicant shall be required to secure a temporary instruction permit for further  
9 practice driving.

10 **SECTION 3149.** 343.11 (3) of the statutes is amended to read:

11 343.11 (3) Except as provided in sub. (1), the department may issue a receipt  
12 to any applicant for a license, which receipt shall constitute a temporary license to  
13 operate a motor vehicle while the application for license is being processed. Such  
14 temporary license shall be valid for a period not to exceed ~~30~~ 60 days.

15 **SECTION 3150.** 343.11 (3) of the statutes, as affected by 2011 Wisconsin Act ....  
16 (this act), is amended to read:

17 343.11 (3) Except as provided in sub. (1), the department may issue a receipt  
18 to any applicant for a license, which receipt shall constitute a temporary license to  
19 operate a motor vehicle while the application for license is being processed. Such  
20 temporary license shall be valid for a period not to exceed 60 days. If the application  
21 for a license is processed under the exception specified in s. 343.165 (7), the receipt  
22 shall include the marking specified in s. 343.03 (3r).

23 **SECTION 3151.** 343.14 (3) of the statutes, as affected by 2007 Wisconsin Act 20,  
24 is amended to read:

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1           343.14 (3) The Except as provided in sub. (3m), the department shall, as part  
2 of the application process, take a digital photograph including facial image capture  
3 of the applicant to comply with s. 343.17 (3) (a) 2. No Except as provided in sub. (3m),  
4 no application may be processed without the photograph being taken. Except as  
5 provided in sub. (3m) and s. 343.165 (4) (d), in the case of renewal licenses, the  
6 photograph shall be taken once every 8 years, and shall coincide with the appearance  
7 for examination which is required under s. 343.16 (3).

8           **SECTION 3152.** 343.14 (3m) of the statutes is created to read:

9           343.14 (3m) If the application for a license is processed under the exception  
10 specified in s. 343.165 (7), the application may be processed and the license issued  
11 or renewed without a photograph being taken of the applicant if the applicant  
12 provides to the department an affidavit stating that the applicant has a sincerely  
13 held religious belief against being photographed; identifying the religion to which he  
14 or she belongs or the tenets of which he or she adheres to; and stating that the tenets  
15 of the religion prohibit him or her from being photographed.

16           **SECTION 3153.** 343.165 (1) (intro.) of the statutes, as created by 2007 Wisconsin  
17 Act 20, is amended to read:

18           343.165 (1) (intro.) The Subject to ss. 343.14 (3m) and 343.50 (4g), the  
19 department may not complete the processing of an application for initial issuance or  
20 renewal of an operator's license or identification card received by the department  
21 after ~~May 10, 2008~~ the effective date of this subsection ... [LRB inserts date], and no  
22 such license or identification card may be issued or renewed, unless the applicant  
23 presents or provides, and, subject to sub. (7), the department verifies under sub. (3),  
24 all of the following information:

**BILL****SECTION 3154**

1       **SECTION 3154.** 343.165 (2) of the statutes, as created by 2007 Wisconsin Act 20,  
2 is amended to read:

3       343.165 (2) (a) The Subject to sub. (7), the department shall, in processing any  
4 application for an operator's license or identification card under sub. (1), capture a  
5 digital image of each document presented or provided to the department by an  
6 applicant. Images captured under this paragraph shall be maintained, in electronic  
7 storage and in a transferable format, in the applicant's file or record as provided  
8 under ss. 343.23 (2) (a) and 343.50 (8) (a).

9       (b) The Subject to sub. (7), the department shall record in the applicant's file  
10 under s. 343.23 (2) (a) or record under s. 343.50 (8) (a) the date on which verification  
11 under subs. (1) and (3) is completed.

12       **SECTION 3155.** 343.165 (3) (a) of the statutes, as created by 2007 Wisconsin Act  
13 20, is amended to read:

14       343.165 (3) (a) Except as provided in pars. (b) and (c) and subject to sub. (7),  
15 the department shall verify, in the manner and to the extent required under federal  
16 law, each document presented or provided to the department that is required to be  
17 presented or provided to the department by an applicant under sub. (1).

18       **SECTION 3156.** 343.165 (4) (a) of the statutes, as created by 2007 Wisconsin Act  
19 20, is amended to read:

20       343.165 (4) (a) Subsection (1) does not apply to an application for renewal of  
21 an operator's license or identification card received by the department after ~~May 10,~~  
22 ~~2008~~ the effective date of this paragraph .... [LRB inserts date], if in connection with  
23 a prior application after ~~May 10, 2008~~ the effective date of this paragraph .... [LRB  
24 inserts date], the applicant previously presented or provided, and the department  
25 verified under sub. (3) or (7), the information specified in sub. (1) and, if verified

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1 under sub. (3), the department recorded the date on which the verification  
2 procedures were completed as described in sub. (2) (b).

3 **SECTION 3157.** 343.165 (4) (c) of the statutes, as created by 2007 Wisconsin Act  
4 20, is amended to read:

5 343.165 (4) (c) Notwithstanding pars. (a) and (b), no operator's license  
6 displaying the legend required under s. 343.03 (3m) or identification card displaying  
7 the legend required under s. 343.50 (3) (a) may be renewed unless the applicant  
8 presents or provides valid documentary proof under sub. (1) (e) and this proof shows  
9 that the status by which the applicant qualified for the license or identification card  
10 has been extended by the secretary of the federal department of homeland security.

11 **SECTION 3158.** 343.165 (4) (d) of the statutes, as created by 2007 Wisconsin Act  
12 20, is amended to read:

13 343.165 (4) (d) With any license or identification card renewal following a  
14 license or identification card expiration established under s. 343.20 (1m) or 343.50  
15 (5) (c) at other than an 8-year interval, the department may determine whether the  
16 applicant's photograph is to be taken, or if the renewal is for a license the applicant  
17 is to be examined, or both, at the time of such renewal, so long as the applicant's  
18 photograph is taken, and if the renewal is for a license the applicant is examined,  
19 with a license or card renewal at least once every 8 years and the applicant's license  
20 or identification card at all times includes a photograph unless an exception under  
21 s. 343.14 (3m) or 343.50 (4g) applies.

22 **SECTION 3159.** 343.165 (5) of the statutes, as created by 2007 Wisconsin Act 20,  
23 is amended to read:

24 343.165 (5) The department may, by rule, require that applications for  
25 reinstatement of operator's licenses or identification cards, issuance of occupational

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1 licenses, reissuance of operator's licenses, or issuance of duplicate operator's licenses  
2 or identification cards, received by the department after ~~May 10, 2008~~ the effective  
3 date of this subsection .... [LRB inserts date], be processed in a manner consistent  
4 with the requirements established under this section for applications for initial  
5 issuance or renewal of operator's licenses and identification cards.

6 **SECTION 3160.** 343.165 (7) of the statutes is created to read:

7 343.165 (7) (a) The department may process an application for, and issue or  
8 renew, an operator's license or identification card without meeting the requirements  
9 under subs. (2) and (3) if all of the following apply:

10 1. The operator's license contains the marking specified in s. 343.03 (3r) or the  
11 identification card contains the marking specified in s. 343.50 (3) (b).

12 2. The operator's license or identification card is processed and issued or  
13 renewed in compliance with applicable department practices and procedures that  
14 were in effect immediately prior to the effective date of this subdivision .... [LRB  
15 inserts date].

16 (b) In addition to other instances of original issuance or renewal, this  
17 subsection specifically applies to renewals occurring after the effective date of this  
18 paragraph .... [LRB inserts date], of operator's licenses or identification cards  
19 originally issued prior to the effective date of this paragraph .... [LRB inserts date].

20 **SECTION 3161.** 343.17 (3) (a) 2. of the statutes is amended to read:

21 343.17 (3) (a) 2. A color photograph of the person, unless the exception under  
22 s. 343.14 (3m) applies.

23 **SECTION 3162.** 343.17 (3) (a) 14. of the statutes is created to read:

24 343.17 (3) (a) 14. If the license contains the marking specified in s. 343.03 (3r),  
25 a distinctive appearance specified by the department that clearly distinguishes the